IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2170 OF 2007

Ashok Kirtanalala Gandhi.... Petitioner

versus

The State of Maharashtra and Ors..... Respondent.

Mr.Abhay Patki i/b Varsha Palav for the petitioner.
Mr. V.B.Pandey for Respondents 2 to 11.
Mr. A.S.Shitole APP for Respondent no.1.

CORAM; A.P. DESHPANDE, J.
DATED; 26TH NOVEMBER, 2007

P.C.;

1. Heard the learned counsel for the respective parties.

2. From the record it is demonstrated that the petitioner is seriously suffering from cancer and is not fit to attend the criminal trial before the Magistrate on each date. The record substantiates the illness of the petitioner. The learned counsel for the petitioner is not in know of the fact as to whether the petitioner has filed an application seeking permanent exemption from appearance in the trial court or otherwise. However, the learned counsel appearing for the petitioner on behalf of the petitioner, undertakes to move such an application if not already filed, within two weeks from today, and

further urges that the trial court should decide the said application sympathetically, bearing in mind the ailment of the petitioner. The learned counsel appearing for the respondent no.2/complainant does not oppose the limited prayer which is pressed in service. Other prayers made in the petition are not pressed, hence, are rejected as not pressed. I grant exemption to the petitioner from attending the trial before the Magistrate till the decision of the petitioner's application claiming permanent exemption from appearance is decided by the Magistrate. Writ Petition is thus disposed of.

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